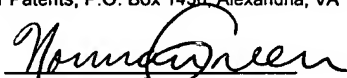


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 391878258 US, in an envelope addressed to: MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 18, 2005

Signature:

  
(Norman Green)

Docket No.: 564462004201  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Svetlana GRAMATIKOVA et al.

Application No.: 10/511,875

Confirmation No.: 6587

Filed: Int'l. - April 21, 2003

Art Unit: Not Yet Assigned

For: PHOSPHOLIPASES, NUCLEIC ACIDS  
ENCODING THEM AND METHODS FOR  
MAKING AND USING THEM

Examiner: Not Yet Assigned

PETITION UNDER CFR §1.47(a)

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.47(a) and MPEP 409.03(d), real-party-in-interest, Diversa Corporation, and co-inventors Geoff HAZLEWOOD, David LAM, and Nelson R. BARTON, respectfully state that co-inventor Svetlana GRAMATIKOVA refuses to join the application for patent, and requests that this application be accepted for examination under Rule 47, and that the attached Oath/Declaration be accepted without the signature of one of the co-inventors, Svetlana GRAMATIKOVA.

In brief, the pending specification and Declaration under 37 CFR 1.63 for the above-referenced patent application were presented to Svetlana GRAMATIKOVA for review and execution. Inventor GRAMATIKOVA refused to execute the papers. The attached Declaration of Lynn LINKOWSKI sets forth a brief description of attempts made to contact Svetlana GRAMATIKOVA regarding the Declaration for the above-referenced patent application.

10/21/2005 09:15:00 00000000 00000000 00000000

01 10/21/2005 09:15:00 00

The instant application is a U.S. National Phase of PCT Application No. PCT/US03/12556, having an International Filing Date of 21 April 2003. A U.S. utility patent application, USSN 10/421,654, having the same specification as PCT/US03/12556, was filed the same day as the PCT: April 21, 2003. Co-inventor Svetlana GRAMATIKOVA was provided a copy of the specification of USSN 10/421,654. On July 16, 2003, she executed a Combined Declaration and Power of Attorney, and Assignment, for USSN 10/421,654, and returned both signed documents to Diversa Corporation. A copy of the Declaration/Power of Attorney and Assignment for 10/421,654, both executed by Svetlana GRAMATIKOVA, are attached with the accompanying declaration of Lynn Linkowski, patent agent for assignee Diversa Corporation, as Exhibit A in her declaration.

Svetlana GRAMATIKOVA's last known residential address, and telephone and e-mail address is:

5709 Erlanger Street  
San Diego, California 92122  
U.S.A.  
Residence telephone: (858) 535-0547  
E-mail: svetlana\_gramatikova@yahoo.com

This also is believed to be Svetlana GRAMATIKOVA's current residential address, telephone number, and e-mail address.

Kindly accept this Petition and the attached Response to Notification of Missing Requirements with Oath/Declaration executed by all co-inventors, except uncooperative co-inventor, Svetlana GRAMATIKOVA, and issue a notice of same.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

564462004201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: October 18, 2005

Respectfully submitted,

By 

Gregory P. Geinhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

(858) 720-5133 (direct line)

Email: [geinhorn@mofo.com](mailto:geinhorn@mofo.com)

Docket No.: 564462004201  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Svetlana GRAMATIKOVA et al.

Application No.: 10/511,875

Confirmation No.: 6587

Filed: Int'l. - April 21, 2003

Art Unit: Not Yet Assigned

For: PHOSPHOLIPASES, NUCLEIC ACIDS  
ENCODING THEM AND METHODS FOR  
MAKING AND USING THEM

---

Examiner: Not Yet Assigned

**DECLARATION OF LYNN LINKOWSKI UNDER 37 CFR 1.47(a)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Lynn Linkowski, declare and state that:

1. I am a Patent Agent at Diversa Corporation, assignee and real-party-in-interest for the above-referenced patent application. I personally assisted in the preparation and filing of the above-identified patent application (USSN 10/511,875) and corresponding United States Patent Application Serial No. (USSN) 10/421,654.
2. I have first hand knowledge regarding the uncooperativeness/unavailability of the inventor Svetlana GRAMATIKOVA regarding execution of the declaration for the subject patent application (USSN 10/511,875).
3. Co-inventor Svetlana GRAMATIKOVA was provided a copy of the specification corresponding to this subject application, USSN 10/421,654, filed April 21, 2003,

and on July 16, 2003, she executed a Combined Declaration and Power of Attorney, and Assignment, and returned both signed documents to Diversa Corporation. A copy of the Declaration/Power of Attorney and Assignment for 10/421,654, both executed by Svetlana GRAMATIKOVA, are attached hereto as Exhibit A. USSN 10/421,654, has the same specification as the subject patent application (USSN 10/511,875). USSN 10/421,654, was filed the same day as International patent application no. PCT/US03/12556, both filed April 21, 2003. The subject patent application (USSN 10/511,875) is a national phase of PCT/US03/12556.

4. On May 1, 2003, Svetlana GRAMATIKOVA replied to an E-mail confirming receipt of the specification for USSN 10/421,654. A copy of the E-mail is attached hereto as Exhibit B.
5. On June 28, 2005, a letter from Diversa Corporation conveying a Declaration and Assignment for the subject application (USSN 10/511,875) for execution was sent by Federal Express to Svetlana GRAMATIKOVA at her residence, 5709 Erlanger Street, San Diego, California 92122. A copy of that letter and the accompanying Shipping Request Form is attached hereto as Exhibit C.
6. On August 18, 2005, a Reminder letter also containing the Declaration and Assignment for execution was sent by Diversa Corporation via Federal Express to Svetlana GRAMATIKOVA at her residence, 5709 Erlanger Street, San Diego, California 92122. A copy of that letter and the accompanying Shipping Request Form is attached hereto as Exhibit D.
7. On August 18, 2005, a Reminder E-mail was sent by Diversa Corporation to Svetlana GRAMATIKOVA at her E-mail address, 'svetlana\_gramatikova@yahoo.com'. A copy of the E-mail is attached hereto as Exhibit E.

8. I declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date


10/18/05  
Lynn Linkowski

EXHIBIT A

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PHOSPHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM, the specification of which:

☐ is attached hereto.

☒ was filed on April 21, 2003 as Application Serial No. 10/421,654 and was amended on \_\_\_\_\_.

☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
60/374,313	4/19/02	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No



**C mbined Declaration and Power of Attorney**  
Page 2 of 3 Pages

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Gregory P. Einhorn, Reg. No. 38,440  
Shekhar Vyas, Reg. No. 46,166  
Scott C. Harris, Reg. No. 32,030  
David L. Feigenbaum, Reg. No. 30,378  
Hans R. Troesch, Reg. No. 36,950  
Bing Ai, Reg. No. 43,312  
Frederick H. Rabin, Reg. No. 24,488  
John C. Philips, Reg. No. 35,322  
Alexander C. Chen, Reg. No. 45,591  
Jerry Lentz, Reg. No. 33,945

Michael P. Reed, Reg. No. 45,647  
Diane L. Gardner, Reg. No. 36,518  
John Hayden, Reg. No. 37,640  
Dorothy Whelan, Reg. No. 33,814  
Linda G. Gunderson, Reg. No. 46,341  
Richard J. Anderson, Reg. No. 36,732  
Samuel Borodach, Reg. No. 38,388  
Kenyon Jenckes, Reg. No. 41,873  
William Hunter, Reg. No. 47,671

In addition, I also hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Carolyn Erickson, Registration No. 47,550  
James E. Butler, Registration No. 40,931  
Lynn Linkowski, Registration No. 47,320

Timothy E. Torchia, Registration No. 36,700  
Antony Novom, Registration No. 45,517

Address all telephone calls to GREGORY P. EINHORN at telephone number (858) 678-5070.

Direct all correspondence to Customer Number:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: SVETLANA GRAMATIKOVA

Inventor's Signature: 

Residence Address:

San Diego, CA

Citizenship:

Bulgaria

Post Office Address:

5709 Erlanger  
San Diego, CA 92122

Date: 07-16-03

**Combined Declaration and Power of Attorney**  
Page 3 of 3 Pages

Full Name of Inventor: GEOFF HAZLEWOOD

Inventor's Signature: Geoff Hazlewood Date: 07-16-2003  
Residence Address: San Diego, CA  
Citizenship: United Kingdom  
Post Office Address: 13041 Caminito Bautizo  
San Diego, CA 92130

Full Name of Inventor: DAVID E. LAM

Inventor's Signature: David Lam Date: 8/15/2003  
Residence Address: San Elijo Hills, CA  
Citizenship: United States  
Post Office Address: 1671 Windemere Drive  
San Elijo Hills, CA 92078

Full Name of Inventor: NELSON R. BARTON

Inventor's Signature: Nelson R. Barton Date: 6/30/03  
Residence Address: San Diego, CA  
Citizenship: United States  
Post Office Address: 10928 Sunset Ridge Drive  
San Diego, CA 92131



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OCTOBER 15, 2003

PTAS

GREGORY P. EINHORN  
FISH & RICHARDSON P.C.  
4350 LA JOLLA VILLAGE DRIVE, SUITE 500  
SAN DIEGO, CALIFORNIA 92122



\*700047992A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/13/2003

REEL/FRAME: 014045/0594  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GRAMATLKOVA, SVETLANA

DOC DATE: 07/16/2003

ASSIGNOR:

HAZLEWOOD, GEOFF

DOC DATE: 07/16/2003

ASSIGNOR:

LARN, DAVID E.

DOC DATE: 08/15/2003

ASSIGNOR:

BARTON, NELSON R.

DOC DATE: 06/30/2003

ASSIGNEE:

DIVERSA CORPORATION  
4955 DIRECTORS PLACE  
SAN DIEGO, CALIFORNIA 92121-1609

SERIAL NUMBER: 10421654

FILING DATE: 04/21/2003

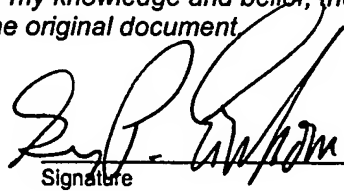
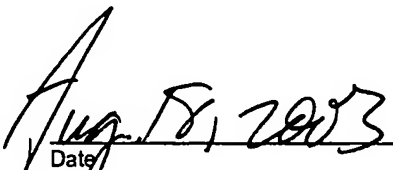
PATENT NUMBER:

ISSUE DATE:

014045/0594 PAGE 2

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

## RECORDATION FORM COVER SHEET PATENTS ONLY

Commissioner for Patents: Please record the attached original document(s) or copy(ies).	
1. Name of conveying party(ies): Svetlana Gramatikova, Geoff Hazlewood, David E. Lam and Nelson R. Barton Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): Diversa Corporation 4955 Directors Place San Diego, CA 92121-1609  Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: 6/30/03; 7/16/03; 8/15/03	
4. Application number(s) or patent number(s): If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): 10/421,654 B: Patent No(s):  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name/address of party to whom correspondence concerning document should be mailed: GREGORY P. EINHORN Fish & Richardson P.C. 4350 La Jolla Village Drive, Suite 500 San Diego, California 92122	6. Total number of applications/patents involved: 1  7. Total fee (37 CFR §3.41): \$40 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to charge Deposit Account.  8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.
DO NOT USE THIS SPACE	
9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  Gregory P. Einhorn Reg. No. 38,440 Name of Person Signing   Signature   Date  Total number of pages including coversheet, attachments and document: 3	

10322859.doc

### CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

8/18/03  
Date of Transmission

  
Signature

Jeanne Amour-Rice  
Typed Name of Person Signing Certificate

ASSIGNMENT

For valuable consideration, we, SVETLANA GRAMATIKOVA of 5709 Erlanger, San Diego, CA 92122, GEOFF HAZLEWOOD of 13041 Caminito Bautizo, San Diego, CA 92130, DAVID E. LAM of 1671 Windemere Drive, San Elijo Hills, CA 92078, and NELSON R. BARTON of 10928 Sunset Ridge Drive, San Diego, CA 92131, , hereby assign to: Diversa Corporation, a Delaware corporation having a place of business at:

4955 Directors Place  
San Diego, CA 92121-1609

and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention(s) and improvement(s) which are subject of an application for United States Patent signed by us, entitled, PHOSPHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM, filed April 21, 2003, and assigned U.S. Serial Number 10/421,654; and we authorize and request the attorney(s) appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of future related applications when known and to insert on this Assignment any further identification, including any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document; and we authorize and request the attorney(s) appointed in said application to hereafter insert the filing date(s) and serial number(s) of related continuations, divisionals, continuations-in-part (CIPs), reissues, re-examinations, and international applications when known. This assignment includes the application(s) cited herein and any and all related United States patent applications, including divisionals, reissues, re-examinations, continuations, CIPs, any and all United States and foreign patents, utility models, and design registrations granted for any of said invention(s) or improvement(s), and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our names or in its own name for patents, utility models, design registrations and

like rights of exclusion and for inventors' certificates for said invention(s) and improvement(s);  
and we agree for ourselves and our respective heirs, legal representatives, successors and assigns,  
without further compensation to perform such lawful acts and to sign such further applications,  
assignments, Preliminary Statements and other lawful documents as the Assignee may  
reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego,  
this 16<sup>th</sup> day of July, 2003  
[Signature] L.S.  
SVETLANA GRAMATIKOVA

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego,  
this 16<sup>th</sup> day of July, 2003  
Geoff Hazlewood L.S.  
GEOFF HAZLEWOOD

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego,  
this 15<sup>th</sup> day of August, 2003  
[Signature] L.S.  
DAVID E. LAM

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO,  
this 30<sup>th</sup> day of JUNE, 2003  
[Signature] L.S.  
NELSON R. BARTON

EXHIBIT B



**Green, Norman**

---

**From:** Svetlana Gramatikova [IMCEAEX-  
\_O=DIVERSA\_OU=DIVSD01\_CN=RECIPIENTS\_CN=SGRAMATIKOVA@diversa.com]  
**Sent:** Thursday, May 01, 2003 5:25 PM  
**To:** Lynn Linkowski  
**Subject:** RE: PLC application

Lynn,

Thank you very much!

Svetlana

-----Original Message-----

**From:** Lynn Linkowski  
**Sent:** Thursday, May 01, 2003 5:14 PM  
**To:** Svetlana Gramatikova  
**Cc:** Lynn Linkowski  
**Subject:** PLC application

Hi Svetlana,

Attached is the patent application filed on April 21, 2003. Please take a look at it and let me know if you feel anything is missing. Also, please remember that this application is confidential.

Thanks!

Lynn

**Lynn Linkowski**  
**Patent Agent**  
Diversa Corporation  
4955 Directors Place  
San Diego, CA 92121  
Phone: 858-526-5450  
Fax: 858-526-5950  
[www.diversa.com](http://www.diversa.com)

This e-mail message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Diversa Corporation immediately -- by replying to this message, or by sending an e-mail to [llinkowski@diversa.com](mailto:llinkowski@diversa.com) -- and destroy all copies of this message and any attachments. Disclosure of confidential information without permission from its owner may be a federal crime under the Economic Espionage Act of 1996. Interception of this email is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709.

9/13/2005

EXHIBIT C

# Shipping Request Form

Date: 6/28/05 Dept #: 780  
 Your Name: Ayoola Folarin Phone ext.: 5419  
 Value: \$ --  
 Contents: Forms

## Destination Information Please fill out completely and legible!

Company: --  
 To: Svetlana Gramatikova  
 Address: 5709 Erlanger  
 City, State, Zip: San Diego, CA 92122  
 Country: USA

### REQUIRED ENTRY

Delivery Phone Number : 858.535.0547

Is this a sample? Yes X No  
 Dry ice Ice Packs

QC needed? Yes X No  
 Capital Asset? Yes No Tag#

### Federal Express Delivery Need Level

International   
 Priority Overnight (by 10:30am)   
 Standard Overnight (by 5:00pm)   
 Economy (2 day) X  
 FedEx Ground (3-5day)   
 1st Overnight (by 8:30am)

Dep	INTELLECTUAL PRO	Wgt	0.2 LBS		3 55
				SPECIAL	2 69
				HANDLING	0 00
DV		0 00	TOTAL		8 68

Sves: \*\* 2DAY \*\* RES  
 TRCK: 6903 5211 0449

*June 28, 2005*

**Svetlana Gramatikova**  
5709 Erlanger  
San Diego, CA 92122

***Re: Assignment and Declaration documents for signature***

Dear Dr. Gramatikova,

In order to complete our PCT application for 'Phospholipases, nucleic acids encoding them and methods for making and using them' (PCT/US03/12556), we need your signature on the enclosed Assignment and Declaration documents. Please sign and date both documents and return them in the envelope provided.  
(Note: your signature on the Assignment must be witnessed.)

We thank you for your kind assistance in this matter. If you have any questions or require additional information, please do not hesitate to contact me: 858.526.5419; [afolarin@diversa.com](mailto:afolarin@diversa.com).


Best regards,

Ayoola Folarin.  
I.P. Associate

Enclosures (2)

**IMPORTANT!**For information on Hurricane Katrina, please [click here](#).

Track Shipments

 [Quick Help](#)**Detailed Results**





Tracking number	690352110449	Reference	780/AYOOLA F.
Signed for by	C.GRAMATIKOVA	Destination	SAN DIEGO, CA
Ship date	Jun 28, 2005	Delivered to	Residence
Delivery date	Jun 30, 2005 12:07 PM	Service type	FedEx 2Day Envelope
		Weight	0.5 lbs.

**Status** Delivered

Date/Time	Activity	Location	Details
Jun 30, 2005	12:07 PM	Delivered	SAN DIEGO, CA
	8:16 AM	On FedEx vehicle for delivery	SAN DIEGO, CA
Jun 29, 2005	5:37 PM	At local FedEx facility	SAN DIEGO, CA
	12:42 PM	Delivery exception	SAN DIEGO, CA Customer not available or business closed
	7:56 AM	On FedEx vehicle for delivery	SAN DIEGO, CA
	6:45 AM	At local FedEx facility	SAN DIEGO, CA
Jun 28, 2005	7:01 PM	Left origin	SAN DIEGO, CA
	4:37 PM	Package data transmitted to FedEx	
	4:05 PM	Picked up	SAN DIEGO, CA

Subscribe to tracking updates (optional)

Your Name: Your Email Address: 

Email address	Language	Exception updates	Delivery updates
<input type="text"/>	English 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<input type="text"/>	English 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and](#)

**ASSIGNMENT (JOINT, PCT)**

THIS ASSIGNMENT, by

**Svetlana Gramatikova** of 5709 Erlanger, San Diego, California 92122,

**Geoff Hazlewood** of 13041 Caminito Bautizo, San Diego, California 92130,

**David Lam** of 1671 Windemere Drive, San Elijo Hills, California 92078, and

**Nelson R. Barton** of 10928 Sunset Ridge Drive, San Diego, California 92131,

(hereinafter referred to as the "Assignors"), witnesseth:

WHEREAS, said Assignors have invented certain new and useful inventions and/or improvements (hereinafter referred to as the "Inventions") set forth in and the subject of an international patent application under the Patent Cooperation Treaty, which includes a designation of the United States of America, entitled

**PHOSHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM,**

originally filed as U.S. Provisional Application No. 60/374,313 on April 19, 2002, filed as International Application No. PCT/US03/12556 on April 21, 2003, and as U.S. National Phase Application No. 10/511,875 on October 19, 2004.

WHEREAS,

**Diversa Corporation**, a corporation duly organized under and pursuant to the laws of Delaware and having a mailing address and its principal place of business at 4955 Directors Place, San Diego, California 92121-1609

is desirous of acquiring the entire right, title and interest throughout the world in and to

said Inventions;

said international patent application;

any national or regional phase patent applications from or claiming priority to said international patent application (including applications under the European Patent Convention and national patent applications in the United States of America (including any nonprovisional applications converted to provisional applications, divisionals, continuations and continuations-in-part of said applications, and reissues and reexams), or any other application claiming the benefit of priority of said international patent application; any Letters Patent that may be issued or granted from or claiming priority to said patent applications by the United States of America (including any nonprovisional applications converted to provisional applications, divisionals, continuations, continuations-in-part,

reexaminations, reissues and extensions of said Letters Patent) or by any international, regional or foreign patent-granting authority; and

all related rights arising from said patent applications under the International Convention for the Protection of Industrial Property (including utility model and design protection);

NOW, THEREFORE, in consideration of good, valuable and sufficient consideration, the receipt of which is hereby acknowledged,

said Assignors have and by these presents do sell, assign, transfer and set over unto Diversa Corporation, its successors, legal representatives and assigns (hereinafter collectively referred to as the "Assignee"), the entire and exclusive right, title and interest throughout the world in and to said Inventions, said patent applications, any said Letters Patent, and said related rights to be held, enjoyed by and for the use of said Assignee, to the full end of the term or terms for which each of said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by said Assignors, had this Assignment not been made;

AND for the same consideration, said Assignors hereby covenant and agree to and with said Assignee that, at the time of execution and delivery to said Assignee of these presents,

said Assignors are the sole and lawful owners of the entire right, title and interest throughout the world in and to said Inventions and said international patent application, that the same are unencumbered and that said Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, said Assignors hereby covenant and agree to and with said Assignee, that whenever counsel of said Assignee shall advise that any proceeding in connection with said Inventions, patent applications, Letters Patent and related rights (including interference proceedings) is lawful and desirable;

said Assignors shall sign all papers and documents, take all lawful oaths and do all acts necessary or required for the procurement, maintenance, enforcement or defense of said Letters Patent (including further applications, assignments and preliminary statements), without charge by said Assignors to said Assignee (as Assignors have received consideration for such acts), but at the reasonable cost and expense of said Assignee, to effectuate fully this Assignment;

AND said Assignors hereby request the Director of the U.S. Patent and Trademark Office and/or the Commissioner of Patents to issue said Letters Patent of the United States of America to said Assignee for the sole use of said Assignee.

The Assignors hereby authorize and request the attorney appointed in said international patent application to complete hereafter this Assignment by inserting the serial number and filing date as necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

Each Assignor hereby authorize the Assignee to apply in all countries and patent-granting authorities in each Assignor's name or in the name of the Assignee for said patent applications and said related rights.

Executed and dated by the Assignors as follows:

\_\_\_\_\_  
Date                      Svetlana Gramatikova

I, \_\_\_\_\_ declare that I was personally present and  
did see **Svetlana Gramatikova** duly sign and execute the above assignment

\_\_\_\_\_  
Date                      Signature of Witness

\_\_\_\_\_  
Date                      Geoff Hazlewood

I, \_\_\_\_\_ declare that I was personally present and  
did see **Geoff Hazlewood** duly sign and execute the above assignment

\_\_\_\_\_  
Date                      Signature of Witness

\_\_\_\_\_  
Date                      David Lam

I, \_\_\_\_\_ declare that I was personally present and  
did see **David Lam** duly sign and execute the above assignment

\_\_\_\_\_  
Date                      Signature of Witness

\_\_\_\_\_  
Date                      Nelson R. Barton

I, \_\_\_\_\_ declare that I was personally present and  
did see **Nelson R. Barton** duly sign and execute the above assignment

\_\_\_\_\_  
Date                      Signature of Witness



<b>DECLARATION FOR PATENT APPLICATION</b> (Includes Reference to PCT International Applications)	<b>ATTORNEY'S DOCKET NUMBER</b> 564462004201		
<p>As a below named inventor I hereby declare that:</p> <p>My residence, post office address and citizenship are as stated below next to my name,</p> <p>I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p style="text-align: center;">PHOSPHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM</p> <p>the specification of which (check only one item below):</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input type="checkbox"/> was filed as United States application</p> <p style="padding-left: 40px;">Serial No. _____</p> <p style="padding-left: 40px;">on _____,</p> <p style="padding-left: 40px;">and was amended on (if applicable) _____.</p> <p><input checked="" type="checkbox"/> was filed as PCT international application</p> <p style="padding-left: 40px;">Number PCT/US03/12556</p> <p style="padding-left: 40px;">on April 21, 2003.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).</p> <p>I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:</p>			
<b>PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:</b>			
COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
United States	60/374,313	04/19/2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Declaration for Patent Application (Continued)</b> (Includes Reference to PCT International Applications)				ATTORNEY'S DOCKET NUMBER 564462004201	
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:</b>					
U.S. APPLICATIONS				STATUS (Check one)	
U S APPLICATION NUMBER	U S FILING DATE	PATENTED	PENDING	ABANDONED	
PCT APPLICATIONS DESIGNATING THE U.S.				STATUS (Check one)	
PCT APPLICATION NUMBER	PCT FILING DATE	U S SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
<b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)					
<b>Customer No.: 45975</b>					
<b>Send correspondence to:</b> Gregory P. Einhorn Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500 San Diego, CA 92130 (858) 720-5133				<b>Direct telephone calls to:</b> Gregory P. Einhorn at (858) 720-5133	
201	FULL NAME OF INVENTOR	FAMILY NAME GRAMATIKOVA	FIRST GIVEN NAME Svetlana	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP Bulgaria	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 5709 Erlanger	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92122	
202	FULL NAME OF INVENTOR	FAMILY NAME HAZLEWOOD	FIRST GIVEN NAME Geoff	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United Kingdom	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 13041 Caminito Bautizo	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92130	
203	FULL NAME OF INVENTOR	FAMILY NAME LAM	FIRST GIVEN NAME David	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Elijo Hills	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 1671 Windemere Drive	CITY San Elijo Hills	STATE & ZIP CODE/COUNTRY California 92078	
204	FULL NAME OF INVENTOR	FAMILY NAME BARTON	FIRST GIVEN NAME Nelson	SECOND GIVEN NAME R.	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 10928 Sunset Ridge Drive	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92131	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203	
Svetlana GRAMATIKOVA		Geoff HAZLEWOOD		David LAM	
DATE		DATE		DATE	
SIGNATURE OF INVENTOR 204					
Nelson R. BARTON					
DATE					

EXHIBIT D

# Shipping Request Form

Date: 8/18/05 Dept #: 780  
 Your Name: Ayoola Folarin Phone ext.: 5419  
 Value: \$ --  
 Contents: Correspondence

## Destination Information Please fill out completely and legible!

Company: --  
 To: Svetlana Gramatikova  
 Address: 5709 Erlanger  
 City, State, Zip: San Diego, CA 92122  
 Country: USA

### REQUIRED ENTRY

Delivery Phone Number : 858.535.0547

Is this a sample? Yes X No  
 Dry ice Ice Packs

QC needed? Yes X No  
 Capital Asset? Yes No Tag#       

### Federal Express Delivery Need Level

International         
 Priority Overnight (by 10:30am)         
 Standard Overnight (by 5:00pm)         
 Economy (2 day)         
 FedEx Ground (3-5day) X  
 1st Overnight (by 8:30am)       

Ref	780/AY00LA F	Date: 08/18/2005	SHIPPING	5 73
Net	DATE : 08/18/05	Net Wgt: 0 1 LBS	SPECIAL	0 72
			LAND	0 00
	DV	0 00	TOTAL	6 45

Sves. EXPRESS SAVER PACKAGE  
 TRCK: 6903 5211 2544  
 1001 500 5100 1001 500 5100



**D I V E R S A**

August 18, 2005

Svetlana Gramatikova  
5709 Erlanger  
San Diego, CA 92122

**Re: Assignment and Declaration documents for signature -  
Reminder**

Dear Dr. Gramatikova,

On June 28, 2005 we sent to you via Federal Express a Declaration and an Assignment related to Diversa Patent Application entitled "Phospholipases, nucleic acids encoding them and methods for making and using them" for your signature.

As yet we have not received any response from you, and would like to take this opportunity to remind you to please sign and return these documents as soon as possible, so they may be submitted to the Patent Office ahead of the approaching deadline.


Thank you very much for your time and assistance in this matter. If you have any questions or concerns, or if you require new copies of the documents please do not hesitate to contact myself or Calvin Fan (858.526.0348, cfan@diversa.com). Also, if you did not receive, or have already returned the documents in question to us, please let us know.

Best Regards,

Ayoola Folarin.  
I.P. Associate

**IMPORTANT!**For information on Hurricane Katrina, please [click here](#).

Track Shipments





**Detailed Results** [Quick Help](#)

Tracking number	690352112544	Reference	780/AYOOLA F.
Signed for by	Signature release on file	Destination	SAN DIEGO, CA
Ship date	Aug 18, 2005	Service type	Express Saver
Delivery date	Aug 19, 2005 11:11 AM	Weight	Envelope 0.5 lbs.
Status	Delivered		

Date/Time	Activity	Location	Details	
Aug 19, 2005	11:11 AM	Delivered	SAN DIEGO, CA Left at front door. No signature required - release waiver on file	
	9:22 AM	At dest sort facility		SAN DIEGO, CA
	8:08 AM	On FedEx vehicle for delivery		SAN DIEGO, CA
Aug 18, 2005	8:42 PM	At local FedEx facility	SAN DIEGO, CA	
	8:20 PM	Left origin	SAN DIEGO, CA	
	5:53 PM	Package data transmitted to FedEx		
	4:13 PM	Picked up	SAN DIEGO, CA	

Subscribe to tracking updates (optional)

Your Name: Your Email Address: 

Email address	Language	Exception updates	Delivery updates
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this checkbox and the Submit button, I agree to these [Terms and Conditions](#)

**ASSIGNMENT (JOINT, PCT)**

THIS ASSIGNMENT, by

**Svetlana Gramatikova** of 5709 Erlanger, San Diego, California 92122,

**Geoff Hazlewood** of 13041 Caminito Bautizo, San Diego, California 92130,

**David Lam** of 1671 Windemere Drive, San Elijo Hills, California 92078, and

**Nelson R. Barton** of 10928 Sunset Ridge Drive, San Diego, California 92131,

(hereinafter referred to as the "Assignors"), witnesseth:

WHEREAS, said Assignors have invented certain new and useful inventions and/or improvements (hereinafter referred to as the "Inventions") set forth in and the subject of an international patent application under the Patent Cooperation Treaty, which includes a designation of the United States of America, entitled

**PHOSHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM,**

originally filed as U.S. Provisional Application No. 60/374,313 on April 19, 2002, filed as International Application No. PCT/US03/12556 on April 21, 2003, and as U.S. National Phase Application No. 10/511,875 on October 19, 2004.

WHEREAS,

**Diversa Corporation**, a corporation duly organized under and pursuant to the laws of Delaware and having a mailing address and its principal place of business at 4955 Directors Place, San Diego, California 92121-1609

is desirous of acquiring the entire right, title and interest throughout the world in and to

said Inventions;

said international patent application;

any national or regional phase patent applications from or claiming priority to said international patent application (including applications under the European Patent Convention and national patent applications in the United States of America (including any nonprovisional applications converted to provisional applications, divisionals, continuations and continuations-in-part of said applications, and reissues and reexams), or any other application claiming the benefit of priority of said international patent application; any Letters Patent that may be issued or granted from or claiming priority to said patent applications by the United States of America (including any nonprovisional applications converted to provisional applications, divisionals, continuations, continuations-in-part,

reexaminations, reissues and extensions of said Letters Patent) or by any international, regional or foreign patent-granting authority; and

all related rights arising from said patent applications under the International Convention for the Protection of Industrial Property (including utility model and design protection);

NOW, THEREFORE, in consideration of good, valuable and sufficient consideration, the receipt of which is hereby acknowledged,

said Assignors have and by these presents do sell, assign, transfer and set over unto Diversa Corporation, its successors, legal representatives and assigns (hereinafter collectively referred to as the "Assignee"), the entire and exclusive right, title and interest throughout the world in and to said Inventions, said patent applications, any said Letters Patent, and said related rights to be held, enjoyed by and for the use of said Assignee, to the full end of the term or terms for which each of said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by said Assignors, had this Assignment not been made;

AND for the same consideration, said Assignors hereby covenant and agree to and with said Assignee that, at the time of execution and delivery to said Assignee of these presents,

said Assignors are the sole and lawful owners of the entire right, title and interest throughout the world in and to said Inventions and said international patent application, that the same are unencumbered and that said Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, said Assignors hereby covenant and agree to and with said Assignee, that whenever counsel of said Assignee shall advise that any proceeding in connection with said Inventions, patent applications, Letters Patent and related rights (including interference proceedings) is lawful and desirable;

said Assignors shall sign all papers and documents, take all lawful oaths and do all acts necessary or required for the procurement, maintenance, enforcement or defense of said Letters Patent (including further applications, assignments and preliminary statements), without charge by said Assignors to said Assignee (as Assignors have received consideration for such acts), but at the reasonable cost and expense of said Assignee, to effectuate fully this Assignment;

AND said Assignors hereby request the Director of the U.S. Patent and Trademark Office and/or the Commissioner of Patents to issue said Letters Patent of the United States of America to said Assignee for the sole use of said Assignee.

The Assignors hereby authorize and request the attorney appointed in said international patent application to complete hereafter this Assignment by inserting the serial number and filing date as necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.



Each Assignor hereby authorize the Assignee to apply in all countries and patent-granting authorities in each Assignor's name or in the name of the Assignee for said patent applications and said related rights.

Executed and dated by the Assignors as follows:

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Svetlana Gramatikova  
I, \_\_\_\_\_ declare that I was personally present and  
did see **Svetlana Gramatikova** duly sign and execute the above assignment

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Geoff Hazlewood  
I, \_\_\_\_\_ declare that I was personally present and  
did see **Geoff Hazlewood** duly sign and execute the above assignment

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date  
\_\_\_\_\_  
David Lam  
I, \_\_\_\_\_ declare that I was personally present and  
did see **David Lam** duly sign and execute the above assignment

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Nelson R. Barton  
I, \_\_\_\_\_ declare that I was personally present and  
did see **Nelson R. Barton** duly sign and execute the above assignment

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature of Witness

<b>DECLARATION FOR PATENT APPLICATION</b> (Includes Reference to PCT International Applications)	<b>ATTORNEYS DOCKET NUMBER</b> 564462004201		
<p>As a below named inventor I hereby declare that:</p> <p>My residence, post office address and citizenship are as stated below next to my name,</p> <p>I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p style="text-align: center;"><b>PHOSPHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM</b></p> <p>the specification of which (check only one item below):</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input type="checkbox"/> was filed as United States application</p> <p style="padding-left: 40px;">Serial No. _____</p> <p style="padding-left: 40px;">on _____</p> <p style="padding-left: 40px;">and was amended on (if applicable) _____.</p> <p><input checked="" type="checkbox"/> was filed as PCT international application</p> <p style="padding-left: 40px;">Number PCT/US03/12556</p> <p style="padding-left: 40px;">on April 21, 2003.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).</p> <p>I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:</p>			
<b>PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:</b>			
COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
United States	60/374,313	04/19/2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Declaration for Patent Application (Continued)</b> (Includes Reference to PCT International Applications)				ATTORNEY'S DOCKET NUMBER 564462004201	
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:</b>					
U.S. APPLICATIONS				STATUS (Check one)	
U S APPLICATION NUMBER	U S FILING DATE		PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				STATUS (Check one)	
PCT APPLICATION NUMBER	PCT FILING DATE	U S SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
<b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)					
<b>Send correspondence to:</b> Gregory P. Einhorn Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500 San Diego, CA 92130 (858) 720-5133				<b>Direct telephone calls to:</b> Gregory P. Einhorn at (858) 720-5133	
201	FULL NAME OF INVENTOR	FAMILY NAME GRAMATIKOVA	FIRST GIVEN NAME Svetlana	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP Bulgaria	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 5709 Erlanger	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92122	
202	FULL NAME OF INVENTOR	FAMILY NAME HAZLEWOOD	FIRST GIVEN NAME Geoff	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United Kingdom	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 13041 Caminito Bautizo	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92130	
203	FULL NAME OF INVENTOR	FAMILY NAME LAM	FIRST GIVEN NAME David	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY San Elijo Hills	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 1671 Windemere Drive	CITY San Elijo Hills	STATE & ZIP CODE/COUNTRY California 92078	
204	FULL NAME OF INVENTOR	FAMILY NAME BARTON	FIRST GIVEN NAME Nelson	SECOND GIVEN NAME R.	
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 10928 Sunset Ridge Drive	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92131	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203	
Svetlana GRAMATIKOVA		Geoff HAZLEWOOD		David LAM	
DATE		DATE		DATE	
SIGNATURE OF INVENTOR 204					
Nelson R. BARTON					
DATE					

EXHIBIT E

**Lynn Linkowski**

---

**From:** Ayoola Folarin  
**Sent:** Thursday, August 18, 2005 12:42 PM  
**To:** 'svetlana\_gramatikova@yahoo.com'  
**Cc:** Calvin Fan; Lynn Linkowski  
**Subject:** Assignment and Declaration documents for signature - Reminder

Dear Dr. Gramatikova,

On June 28, 2005 we sent to you via Federal Express a Declaration and an Assignment related to Diversa Patent Application entitled "Phospholipases, nucleic acids encoding them and methods for making and using them" for your signature.

As yet we have not received any response from you, and would like to take this opportunity to remind you to please sign and return these documents as soon as possible, so they may be submitted to the Patent Office ahead of the approaching deadline.

Thank you very much for your time and assistance in this matter. If you have any questions or concerns, or if you require new copies of the documents please do not hesitate to contact myself or Calvin Fan (858.526.0348, [cfan@diversa.com](mailto:cfan@diversa.com)). Also, if you did not receive, or have already returned the documents in question to us, please let us know.

Best regards,  
-Ayoola Folarin.

---

Ayoola Folarin  
I.P. Associate  
Diversa Corporation  
4955 Directors Place  
San Diego, CA 92121 1609

---

Phone: 858.526.5419  
Fax: 858.526.5047  
[afolarin@diversa.com](mailto:afolarin@diversa.com)

9/9/2005